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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,944	03/15/2004	John T. Strom	044182 308760	2939
7590	03/14/2006			EXAMINER PATEL, PARESH H
Pillsbury Winthrop LLP Intellectual Property Group Suite 200 11682 El Camino Real. San Diego, CA 92130-2092			ART UNIT 2829	PAPER NUMBER
DATE MAILED: 03/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,944	STROM ET AL.	
	Examiner	Art Unit	
	Paresh Patel	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,6,7,9-13,15,16 and 18-20 is/are rejected.
 7) Claim(s) 5,8,14 and 17 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/15/2005 have been fully considered but they are not persuasive. Applicant at remark page 5 argues that Harris does not teach or suggest calculating or otherwise determining probe float in a probe card. Later, Applicants argue that Harris dismisses other measurement of **mechanical contact** and electrical contact, since **probe float is representation of travel between mechanical contact and electrical contact**. Applicant also states that Harris specifically explicitly teaches away from measuring **free-hanging planarity**, since **optical solution** for mechanical contact are very slow and thus not feasible in a production environment.

After reviewing the claims, particularly the independent claims it appears that Harris discloses all the limitation as stated in the office action. Computer system of Harris calculates **probe float** as claimed (i.e. acquiring, obtaining and calculating). Since applicants' argues that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **a probe card in claims 1 and 18, mechanical contact and optical free-hanging planarity**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 7, 9-13, 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris.

With regard to claims 1 and 9, Harris teaches a method of calculating and measuring a probe float comprising: acquiring a free-hanging planarity measurement, obtaining a first electrical contact planarity measurement, and calculating probe float using results of the acquiring and obtaining (abstract).

With regard to claims 2 and 10, Harris teaches the calculating comprising computing a difference between results of the obtaining and acquiring (col. 5, lines 38-42).

With regard to claims 3 and 12, Harris teaches acquiring a reference planarity measurement, providing relative translation between a contact surface and a probe card, identifying new free-hanging probes responsive to the providing, assigning a planarity value to newly identified free-hanging probes, and selectively repeating the providing, identifying, and assigning (col. 5, lines 1-20 & col. 6, lines 42-56).

With regard to claims 4 and 13, Harris teaches selectively iterating the providing, identifying, and assigning until a planarity value has been assigned to every probe (col. 11, lines 42-46).

With regard to claims 6, 7, 15, and 16, Harris teaches acquiring a reference planarity and identifying new free-hanging probes measurement comprises utilizing the optical system (col. 6, lines 32-37).

With regard to claim 11, Harris teaches repeating the acquiring, obtaining, and calculating for each probe (fig. 3).

With regard to claim 18, Harris teaches a computer readable medium with data and instructions that acquires a free-hanging measurement, obtains a first electrical contact planarity measurement, and calculates probe float using the free-hanging planarity measurement and the first electrical contact planarity measurement (abstract & col. 11, lines 32-40).

With regard to claim 19, Harris teaches the instructions further comprising computing a difference between results of the obtaining and acquiring (col. 5, lines 38-42).

With regard to claim 20, Harris teaches the instructions further comprising repeating the acquiring, obtaining, and calculating for each probe (fig. 3).

Allowable Subject Matter

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3. Claims 5, 8, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paresh Patel 03/09/06
Primary Examiner
Art Unit 2829

March 09, 2006